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Of Attorneys for Defendant Scottsdale Indemnity Company

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

F. D. THOMAS, INC., an Oregon corporation,

Case No. 1:17-cv-337

Plaintiff,

State Court Case No. 17CV02336

v.

**SCOTTSDALE INDEMNITY COMPANY; an
Ohio corporation,**

**DEFENDANT SCOTTSDALE
INDEMNITY COMPANY'S
NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §§
1332, 1441 AND 1446**

Defendant.

NOTICE OF REMOVAL

Defendant Scottsdale Indemnity Company ("Scottsdale") hereby files this Notice of Removal for the removal of this action from the Circuit Court of the State of Oregon for the County of Jackson to the United States District Court for the District of Oregon, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. This is a civil action over which this Court has original jurisdiction and the matter is properly removed to this Court for these reasons:

1. On January 23, 2017, Plaintiff F. D. Thomas, Inc. filed a Complaint in the Circuit Court of the State of Oregon for the County of Jackson (the "Complaint") in the action captioned *F. D. Thomas, Inc. v. Scottsdale Indem. Co.*, Case No. 17CV02336 (hereinafter, the "State Action").

2. On February 1, 2017, Plaintiff mailed a copy of the Complaint to counsel for Scottsdale. Plaintiff has not yet served Scottsdale with a copy of the Complaint. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint in the State Action is attached as "Exhibit 1."

3. According to the Complaint filed in the State Action, Plaintiff is an Oregon corporation with its principal place of business in Central Point, Oregon. (Compl. ¶ 2.) Plaintiff resides within the boundaries of the Medford Division of the United States District Court for the District of Oregon.

4. Scottsdale is an Ohio corporation with its principal place of business in Arizona.

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because Plaintiff and Scottsdale are citizens of different states. *See Guglielmi v. Anheuser-Busch Cos., Inc.*, Case No. CV-04-594-ST, 2005 U.S. Dist. LEXIS 49990, at *1-2 (D. Or. Feb. 8, 2005).

6. In the Complaint, Plaintiff alleges that it has been damaged in an amount less than \$1,000,000 and, therefore, the amount sought by Plaintiff in this action exceeds \$75,000.00.

7. This Notice of Removal is filed within thirty days after Scottsdale's receipt of the Complaint.

8. A copy of the Notice of Removal will be sent to the Clerk of the Court of the Circuit Court of the State of Oregon for the County of Jackson.

9. Accordingly, this action is hereby removed to the United States District Court for the District of Oregon, Medford Division, pursuant to 28 U.S.C. § 1332.

DATED this 28th day of February, 2017.

Respectfully submitted,

LEHNER & RODRIGUES, P.C.

/s/Carl R. Rodrigues

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Of Attorneys for Defendant Scottsdale
Indemnity Company

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing paper with the Clerk of the Court for the United States District Court for the District of Oregon by using the CM/ECF system on February 28, 2017.

I certify that all participants in the case are registered CM/ECF users and that services will be accomplished by the CM/ECF

LEHNER & RODRIGUES, P.C.

/s/ Carl R. Rodrigues

Carl R. Rodrigues, OSB No. 824569
Of Attorneys for Defendant Scottsdale
Insurance Company